



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
999 18TH STREET - SUITE 500
DENVER, CO 80202-2466
<http://www.epa.gov/region08>

August 1, 2000

Ref: 8EPR-EP

VIA FACSIMILE AND MAIL

Nancy Doelger, Team Coordinator
Casper Field Office
Bureau of Land Management
1701 East E Street
Casper, WY 82601

RE: Horse Creek Coal FEIS
CEQ# 000140

Dear Ms Doelger:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act (CAA), Region 8 of the U. S. Environmental Protection Agency (EPA) has reviewed the Final Environmental Impact Statement (FEIS) for the Horse Creek Coal Lease By Application (LBA) Tract in southeast Campbell and northeast Converse Counties, Wyoming. EPA has prepared the following comments on the FEIS and BLM's responses to EPA comments on the DEIS.

EPA finds this document to be well written and very thorough particularly with respect to cumulative environmental impacts. Table 2-2 presents a summary and comparison of direct and indirect impacts between the no action alternative and the proposed action.

EPA would like to emphasize CEQ regulation 1502.14 on making mitigation of environmental impacts a distinguishing characteristic in defining alternatives to the proposed action. This regulation states that agencies shall include reasonable alternatives not within the jurisdiction of the lead agency and agencies shall include appropriate mitigation measures not already included in the proposed action or alternatives.

BLM's response to EPA's comments in Appendix E page 14 states that "BLM is not involved in regulating air quality or blasting, but BLM supports the

development of appropriate procedures and techniques to resolve the problems.” EPA understands that the Horse Creek Coal ROD has already been issued, however in the future, EPA would like to see more affirmative action in BLM’s development of alternatives to the proposed action. BLM’s statement, that it is not involved in regulating air quality, does not mean that alternatives cannot address the issue of air pollution mitigation such as means of mitigating NO_x emissions during blasting activities. If BLM “supports the development of appropriate procedures and techniques to resolve the problems”, then the vehicle to show BLM’s suggested mitigation is the EIS and the ROD.

Which agency has jurisdiction for mitigation is not a criteria for deciding whether or not to present the mitigation in an EIS. By presenting mitigation in the EIS and ROD, BLM is notifying the “agency with jurisdiction” what mitigation BLM desires for this particular project occurring on Federal lands or Federal minerals.

Thank you for the opportunity to review and comment on this FEIS. If you have any questions or concerns about our comments on this FEIS, please call Robert Edgar at (303) 312-6669.

Sincerely,

Original Signed by

Cynthia Cody
Chief, NEPA Unit
Office of Ecosystem Protection
and Remediation

